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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

MELVA IRON,	)	
	)	
Plaintiff,	)	Case No. CV-24-162-BLG-TJC
	)	<b>COMPLAINT</b>
v.	)	
	)	
UNITED STATES OF AMERICA and DOES 1-	)	
10,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

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Plaintiff alleges as follows:

1. Plaintiff Melva Iron is a citizen of the State of Montana and a resident of Big Horn County, Montana, and an enrolled member of the Crow Tribe.
2. This Court has jurisdiction over this cause of action pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671, *et seq.*, because the claim arises from conduct of federal government agents and Plaintiff has exhausted

administrative remedies.

3. This Court has exclusive jurisdiction over tort claims brought against the United States pursuant to 28 U.S.C. § 1346(b).
4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(e) and 1402(b).
5. Defendants Does 1-10 are individuals whose true identities and capacities are as yet unknown to Plaintiff and her counsel, despite diligent inquiry and investigation, and who acted herein as described more particularly below in connection with the breaches of duties and/or violations of law alleged here and who in some manner or form not currently discovered or known to Plaintiff may have contributed to or be responsible for the injuries alleged here. The true names and capacities of the Doe Defendants will be substituted as they become known.
6. Plaintiff filed Federal Tort Claim Act claims on March 11, 2024, and the Department of Health and Human Services received the claims on March 18, 2024. The government has not acted on the claims, therefore Plaintiff's claims are now ripe for adjudication.
7. On November 10, 2024, Melva Iron was teacher at Pretty Eagle Catholic Academy in St. Xavier, Montana.

8. At about 2:30 pm, Melva fell against a cement wall while trying to turn out the lights in her classroom. She was unable to get up.
9. Some students saw her lying on the floor and alerted Melva's co-workers.
10. Two of Melva's co-workers lifted her onto a chair and called Melva's husband, who came and took Melva to the Indian Health Service in Crow Agency.
11. Health care providers at the IHS ordered x-rays for Melva.
12. Health care providers at the IHS determined that Melva had pneumonia and hospitalized her for six days.
13. Melva repeatedly told health care providers at the IHS that her back was extremely painful, that she experienced severe pain when trying to walk, and that she could not use the toilet by herself because she could not stand up.
14. Melva was discharged the Indian Health Service in Crow Agency on November 16, 2023, without ever receiving any care or treatment for her back pain.
15. Health care providers at the IHS told Melva to start walking, do physical therapy, and go back to work, but Melva could not walk and needed to be in a wheelchair.

16. Moreover, IHS providers prescribed Melva heavy doses of pain medication.
17. Melva attempted to go back to work while in a wheelchair on November 27, 2023, after the Thanksgiving holiday.
18. Melva's back pain continued unabated so she returned to the IHS on December 11, 2023.
19. On December 11, 2023, health care providers at the IHS identified a fracture in Melva's spine and sent her via ambulance to St. Vincent's hospital in Billings, where she underwent surgery for her fractured spine.
20. IHS health care providers were negligent and violated the standard of care in failing to properly assess, properly diagnose, and properly treat Melva's condition upon her presentation to the IHS on November 10, 2023.
21. IHS health care providers were negligent and violated the standard of care in failing to properly assess and refer Melva to other medical care providers upon her presentation to the IHS on November 10, 2013.
22. As a direct and proximate result of each of the acts and omissions of the IHS and IHS health care providers alleged in this Complaint, Melva's condition deteriorated and she endured severe pain and suffering.
23. Melva continues to experience physical pain and discomfort caused by the delay in diagnosis and treatment of her condition.

**WHEREFORE**, Plaintiff demands judgment against the Defendants as follows:

1. For judgment in such amounts as shall be proven at the time of trial.
2. For an award of attorney's fees and costs as provided by any applicable provision of law.
3. For such other and further relief as the Court deems just and equitable.

DATED this 12th day of November, 2024.

/s/ Timothy M. Bechtold  
BECHTOLD LAW FIRM, PLLC